



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

**Via Electronic Mail To:** sales\_dept@shiningimageinc.com

**Docket No.** F-02-2020-5031

Jim Zhang  
New Shining Image LLC  
183 Tally Ho Road  
Middletown, NY 10940-7328

**Re: NOTICE OF REFUSAL OF ADMISSION**  
Import of UV Sterilizer, Entry No. EKH-07255394

Dear Mr. Zhang:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the Act), as amended, 7 U.S.C. § 136, *et seq.*, the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

**Cargo Description:** UV Sterilizer  
**Importer:** New Shining Image LLC  
**Manufacturer:** Zhuhai Huada Tongcheng Trading Co.  
**Entry Number:** EKH-07255394  
**Bill Number:** EGLV149001538623  
**Arrival Date:** 06/16/20  
**Entry File Date:** 6/12/20  
**Port of Entry:** 4601 – Newark/New York

You were previously notified via a Notice of Detention and Hearing, dated June 18, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, you were advised that the UV sterilizers in this shipment are pesticide devices, as that term is defined by Section 2(h) of FIFRA, 7 U.S.C. §136(h), and that a Notice of Arrival of Pesticides was not filed for the shipment as required by FIFRA § 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), and 19 C.F.R. § 12.112. The June 18, 2020 Notice further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the products are in compliance with the Act and eligible for entry has been submitted to EPA.

Instead, on June 19, 2020, in an email to EPA, you revealed that the shipment was further in violation of FIFRA in that the label of the products shipped did not bear an EPA establishment number, required by 40 C.F.R. §156.10(f). The products in the shipment referred to above are therefore misbranded, as that term is defined by Section 2(q) of FIFRA, 7 U.S.C. 136(q). Misbranded pesticide devices are prohibited from sale and distribution in the U.S. by Section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F). Your email stated that you now understand UV sterilizing devices are regulated by EPA as pesticide devices and that your company has taken steps to register your warehouse in Middletown, NY as a pesticide producing establishment so the devices could be relabeled with an EPA establishment number.

In a June 22, 2020 email to EPA you confirmed the products were not originally manufactured in an EPA-registered establishment. Pesticide devices must be produced in an EPA-registered establishment, as required by FIFRA § 7(a), 7 U.S.C. § 136e(a). Unfortunately, as the foreign establishment was not registered at the time these products were manufactured, they cannot be relabeled in order to bring them into compliance.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or [brannick.michael@epa.gov](mailto:brannick.michael@epa.gov).

Sincerely,

*for* Dore LaPosta, Director  
Enforcement & Compliance Assurance Division

cc: Richard Lin, SF Systems ([richard.lin@sfsystems.net](mailto:richard.lin@sfsystems.net))  
Brenda Chen, SF Systems ([brenda@sfsystems.net](mailto:brenda@sfsystems.net))  
Terrance Brennan, U.S. Customs and Border Protection ([terrance.m.brennan@cbp.dhs.gov](mailto:terrance.m.brennan@cbp.dhs.gov))